

**L. B. EUBANKS**, Sworn for the State. I know J.E. Duffy. I have loaned J.E. Duffy money recently and have notes for same. I have the notes with me. I know C.W. Burke. I am the L.P. Eubanks who was a witness against Mell Arnold and Duffy and several other people, prosecutings for car robbery in the Superior Court. I was working for the Southern Railroad at the time. I never worked for C.W. Burke. I was present at a conference between Burke, Mell Arnold, J.E. Duffy, and Burke's chauffeur, Lynn at myself at my house. No money was given Duffy at that time. I made him loans on April 4 and April 11<sup>th</sup>. I loaned Duffy money when he worked under me at the Southern Railroad in the year 1910 and 1911 and at various times I loaned him small amounts of money. I think \$3.60 was the greatest amount I had ever loaned him prior to that time. He got the money at three different times. He got \$5.00 at one time and then on May 4<sup>th</sup>, I put that on a note of \$10.00 I let him have and on May 11<sup>th</sup> I put it on a note with \$10.00 and let him give one note for it \$25.00. I said May a minute ago and that should have been April of this year. He made an affidavit on December 11, 1913, and I never loaned him any money at all, in fact until April 4, 1914. I did not give him one cent at that time. It must have been 7:00 o'clock when the parties met at my house. I never let Duffy have any money at all that night we met at my house. Th[a]t was on December 11, 1913. He made an affidavit for C.W. Burke and on April 4, 1914, I let him have the first money I ever let him have since long before this trouble in 1912. I did not tell him he would never have to pay it back. I did not make such a statement to Duffy's father. Old man Duffy came over there to the railroad to my place of business - - I went to see Nellie Wood about the 25<sup>th</sup> of January, 1914. I knew she was a witness for the State in the case against Leo M. Frank. I went in C.W. Burke's automobile, and I went at his instance. Burke asked me to go there, he said he didn't know her himself, and I did. I had been foreman out there for the Southern Railroad at Decatur Street for a long time and everybody knew of Nell drifting up and down Decatur Street. I never had anything to do with her. I think she is a woman of bad character. I can give names as to who said she was a bad character, a fellow named Bishop. He was not one of the men indicted in that crowd. His initials are J.E. Bishop and is not related to B.B. She told me that, while I was talking to her, that anything and everything would be all right, in connection with what she was doing. If telling me would mean I did know, I do know of my own knowledge. Anybody down there who will say anything about her will talk of her general bad character. Bishop can be found on Decatur Street. He is working there for the Southern Road as car inspector. He is in my office there all the time. He did not make an affidavit in the Frank case for me. He told me he gave her a dozen bottles of beer one night and she was to meet him and he said she went off and never came back. He was not asked to make an affidavit. I was not talking to him about the Frank case, I was talking about Nell Wood. I brought up the subject. We talk about all these kind of characters, you know, down there. I was not making any investigation for C.W. Burke at that time.

#### CROSS EXAMINATION.

I have never talked to Mr. Arnold or to Mr. Rosser about this case at all. I went to an office and said a few words to Mr. Haas about this case yesterday. Burke was at that time and prior to that time, undertaking to have some of the boys reinstated with the Southern Road and had been mixed up in some cases and he had been working on Mell Arnold's case and while he hadn't gone back to work, he was promised the first opening that would come up. He went back to work on January 1, of this year. Burke was down there one day talking about that and he made the remark to me "I want to see Duffy". I naturally supposed he wanted to see me about going back to work. Mr. Burke and everybody else knew I was not interested in the Frank case and did not care anything about it. He asked me where he was going and about going out to see him. I told him he was working at Kamper. He says "I can not get hold of him for some cause or other. Can't you get him?" I told him I will ask Arnold to go out there and catch him and get him to come to my house tonight. Burke says "I would not like to go all the way out to where he lives. I told him he put up right down below me and I had no objection to his coming

out to my house and I knew he (Duffy) will come, as I know he is anxious to get back to work at the Southern Railroad. Arnold went and found him and told me that he said he would be there at 7:30. I went to the telephone and told him that Duffy had consented and was even anxious to come and he came and Mr. Burke did too. Arnold, Lynn, Burke and myself were there too. Arnold and Duffy had been charged with car robbery and indicted for it. I guess Duffy's case has been disposed of. I understood it was nol prossed. As to what occurred at my house, we all went in the room there and sat down by the fire and talked along for awhile. We always felt pretty friendly towards one another. We hung around Burke's office nearly a year off and on and he has always made us welcome. After a while, Mr. Burke commenced talking about the Frank case and he presented his theory of the case and told Duffy, "I want, if you have not already told the truth, or if you have, I want to get an affidavit from you". They discussed it on for awhile and Duffy agreed to make the affidavit, and they discussed the point of the possibility or probability of blood dropping on the floor, and then there was something mentioned about \$7.60 paid for court costs and I remember those things as having been gone over prior to the making of the affidavit. After the affidavit was made, and before it was signed, I heard Burke reading it over to Duffy and Duffy signed it. Burke did not ask anything but the truth. I was there all the time. The statement was the boy's own statement, according to the way he made it, voluntarily. He said it was absolutely true and he repeated that and asserted it positively and he was glad to do it for nothing. Burke did not threaten him in any way. I have not been riding in the automobile with Duffy recently.